

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1556

Introduced by Senator Torlakson

(Principal coauthor: Assembly Member Wolk)

(Coauthors: Senators Chesbro, Machado, and Ortiz)

(Coauthor: Assembly Member Jones)

February 23, 2006

~~An act to amend Section 99234 of the Public Utilities Code, and to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as amended, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Delta, as defined.

Existing law requires local transportation planning agencies to allocate funds *in the local transportation fund, as defined*, for establishing and maintaining pedestrian and bicycle trails, ~~and~~.

Existing law authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the Delta, to ~~instead allocate these fund~~ *those funds* to the Delta Protection Commission for specified activities around the Delta.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds all of the
2 following:

3 (1) The Great California Delta region is a wondrous state and
4 national treasure, with its natural resources and fertile soils for
5 agriculture, its access to recreation and science research, and its
6 rich history and beauty.

7 (2) The California Delta provides two-thirds of the state's
8 drinking and irrigation water, ~~which~~ *that* flows through the
9 Delta's over 1,000 miles of waterways, levees, and shoreline.

10 (3) The California Delta is of great ecological significance,
11 with its two most prominent waterways, the Sacramento and the
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada
13 Range and the Central Valley to the San Francisco Bay.

14 (4) The California Delta is a key part of the Pacific Flyway,
15 and its rich ecosystem serves as home to thousands of unique
16 birds, fish, animals, and plants, and is enjoyed by outdoor
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.

18 (5) The California Delta is a complicated and fragile system
19 ~~which~~ *that* needs the appreciation and protection of future
20 generations of Californians.

21 (6) The California Delta is characterized by its numerous
22 scenic waterways, levee-top roadways, historic towns, idyllic
23 marinas, and eucalyptus tree windrows.

(7) There are 22 public recreation areas in the Sacramento-San Joaquin Delta region, with fishing, park day use facilities, campgrounds, trails and boating access—~~which~~ *that* support numerous recreational activities including boating, water skiing, jet skiing, windsurfing, sailing, fishing, relaxing, hiking and jogging, horseback riding, swimming, picnicking, and cycling.

(8) California is challenged by a growing obesity crisis and state and local leaders must address the need for more opportunities for exercise, movement, and recreation in public settings.

(9) The Delta Protection Commission surveys have found that there are unmet recreational needs in the Delta region, including a trail for bicycling and hiking, around the perimeter of the Sacramento-San Joaquin Delta.

(10) A ~~Bicycle~~ *bicycle* and pedestrian trail along the perimeter would provide an important link between the people of California and one of our most precious natural resources.

(11) A bicycle and pedestrian trail connecting the Delta region, with adjacent areas, would provide a great link between our fascinating Delta communities and foster a connection between our rich histories and present challenges.

(b) The Legislature declares its support for the creation of a California Delta Trail, linking the San Francisco Bay Trail system to the present and future trailways around the ~~parameter~~ *perimeter* of the Delta, including but not limited to, the Delta's shorelines in Contra Costa, San Joaquin, Solano, Sacramento and Yolo counties.

SEC. 2. Chapter 12 (commencing with Section 5852) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM

5852. "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code minus the area contained in Alameda County.

5853. "Commission" means Delta Protection Commission as defined in Section 29721.

5854. (a) The Commission shall develop and adopt a plan and implementation program, including a ~~financing~~ *finance and maintenance* plan, for a continuous *regional* recreational corridor

1 that will extend around the perimeter of the Delta, including but
2 not limited to, the Delta's shorelines in Contra Costa, Solano,
3 San Joaquin, Sacramento and Yolo Counties. This plan shall
4 include a specific route of a bicycling and hiking trail, the
5 relationship of the route to existing park and recreational
6 facilities and *land and water* trail systems, and links to existing
7 and proposed public transportation facilities. The continuous
8 *regional* recreational corridor planned and executed pursuant to
9 this chapter shall be called the Great California Delta Trail.

10 (b) The Great California Delta Trail plan shall do all of the
11 following:

12 (1) Provide that designated environmentally sensitive areas,
13 including wildlife habitats and wetlands, shall not be adversely
14 affected by the trail.

15 (2) Provide for appropriate buffer zones along those portions
16 of the bikeway system adjacent to designated environmentally
17 sensitive areas *and areas with private uses, when appropriate.*

18 (3) Provide that the land and funds used for ~~trail construction~~
19 ~~and planning~~ *any purposes under this chapter* are not considered
20 mitigation for wetlands losses.

21 (4) Provide alternative routes to avoid impingement on
22 environmentally sensitive areas.

23 (5) Provide that no motorized vehicles, except to the extent
24 necessary for emergency services, be allowed on the trail.

25 (6) *Provide an alternate, non-motorized commute option for*
26 *Delta residents.*

27 (c) The Commission shall submit the plan to the Legislature
28 and each of the counties within the Commission's service area
29 not later than July 1, 2008.

30 5855. (a) The Commission shall establish a policy committee
31 *that shall provide oversight for the trail's planning,*
32 *implementation, and funding.* The committee shall include
33 members *and staff* of appropriate regional government
34 associations and environmental and recreation organizations.

35 (b) A cooperative working relationship shall be established
36 with state and federal agencies, and all other cities, counties,
37 districts, including school districts, and regional government
38 associations that are affected by the proposed trail.

39 (c) The Commission shall establish an advisory committee
40 representing groups concerned with environmental and

1 ecological protection of the Delta, groups representing
2 agricultural, private, and other business uses of the Delta's
3 surrounding land, and groups representing bicycling, *horseback*
4 *riding*, walking, boating, and other relevant recreational
5 activities.

6 SEC. 3. Section 99234 of the Public Utilities Code is
7 amended to read:

8 99234. (a) Claims for facilities provided for the exclusive use
9 of pedestrians and bicycles or for bicycle safety education
10 programs shall be filed according to the rules and regulations
11 adopted by the transportation planning agency.

12 (b) The money shall be allocated for the construction,
13 including related engineering expenses, of those facilities
14 pursuant to procedures or criteria established by the
15 transportation planning agency for the area within its jurisdiction,
16 or for bicycle safety education programs.

17 (c) The money may be allocated for the maintenance of
18 bicycling trails—~~which~~ *that* are closed to motorized traffic
19 pursuant to procedures or criteria established by the
20 transportation planning agency for the area within its jurisdiction.

21 (d) The money may be allocated without respect to Section
22 99231 and shall not be included in determining the
23 apportionments to a city or county for purposes of Sections
24 99233.7 to 99233.9, inclusive.

25 (e) Facilities provided for the use of bicycles may include
26 projects that serve the needs of commuting bicyclists, including,
27 but not limited to, new trails serving major transportation
28 corridors, secure bicycle parking at employment centers, park
29 and ride lots, and transit terminals where other funds are
30 unavailable.

31 (f) Notwithstanding any other provision of this section, a
32 planning agency established in Title 7.1 (commencing with
33 Section 66500) of the Government Code may allocate the money
34 to the Association of Bay Area Governments for activities
35 required by Chapter 11 (commencing with Section 5850) of
36 Division 5 of the Public Resources Code.

37 (g) Notwithstanding any other provision of this section, the
38 transportation planning agencies that allocate funds, pursuant to
39 this section, to the cities and counties with jurisdiction or a
40 sphere of influence within the Delta, as defined in Section 5852

1 of the Public Resources Code, may allocate the money to the
2 Delta Protection Commission for activities required by Chapter
3 12 (commencing with Section 5852) of Division 5 of the Public
4 Resources Code.

5 (h) Within 30 days after receiving a request for a review from
6 any city or county, the transportation planning agency shall
7 review its allocations made pursuant to Section 99233.3.

8 (i) In addition to the purposes authorized in this section, a
9 portion of the amount available to a city or county pursuant to
10 Section 99233.3 may be allocated to develop a comprehensive
11 bicycle and pedestrian facilities plan, with an emphasis on
12 bicycle projects intended to accommodate bicycle commuters
13 rather than recreational bicycle users. An allocation under this
14 subdivision may not be made more than once every five years.

15 (j) Up to 20 percent of the amount available each year to a city
16 or county pursuant to Section 99233.3 may be allocated to
17 restripe class II bicycle lanes.

18 SEC. 4. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health or safety
20 within the meaning of Article IV of the Constitution and shall go
21 into immediate effect. The facts constituting necessity are:

22 In order to permit the development of a continuous recreational
23 corridor around the perimeter of the California Delta, to provide
24 urgently needed recreational facilities at the earliest possible
25 time, and to allow the Delta Protection Commission sufficient
26 time to prepare the required plan, it is necessary that this act take
27 effect immediately.